App. F. IX-4

1936.

File No. 1-3

Serial Nos. 73
8828

Previous References

Jan 1-9.37-1.
Jan 24-6-36-(1-4)
6-6-06. (1-2)

Letter References

Mar 944 52 1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4.

Part B for June 1939.

SUBJECT.

Grant of a Rahadari to Sri Swamigalu of Sri Kasi mutt.

To Jamun. Comm.
" Rev. Comm.
" D.G. of Police
" Comms of Districts
" Jamun Traffic Board
Govt. Lr. No. 17-26. dt. 5-6-39.
Sanctions certain additional privileges to Sri Swamigalu of Sri Kasi mutt.

WD 0295—GPB—22,500—18-8-37

1279

Messrs Narasinha Pa
& Balya sent them.
T. Rs + promised to
submit a representation
if may be considered

1271
1.4.39

31.3

1/4

(2) Mr G.O.
Muz 246-86 Steall

Submitted.

Mr. V.S.Sanjiva Rao's letter regarding certain concessions during tne visit of Swami of Sukratendra Mutt in the North Canara Taluk to Mysore during **His** Highness's birthday week may be sent to the Muzrai Secretariat, if appd.

(1) Gen Sec
(2) Ce 28/3

3)

M 2103/1

1277.

4) It is respectfully submitted that Mr V.S. Sanjiva Rao, who is not a Konkani Brahmin is neither a disciple of the Kashi Mutt nor an employee thereof. It is not known on what grounds he is asking for Royal Etc honors to the Mutt. As a careful consideration of all aspects has already denied the grant of Royal or Special honors to Mutts of this Class. (Vide Go no 1326-71 Muz 246-36 dt 30.3.37.

Bangalore (1)
26.3.39

Dear Sir

You will be interested to know, that His Holiness Sri Sukratendra tirtha sri galavaru of Sri Kashi Math now in Partha gali in Canacona Taluk near Marmugoa, has made his mind to visit Mysore, on 29.5.39 during the birthday festivities of our beloved Maharaja.

The Swamiji wants his guards of 'hagal divati' 'makara thorana' 'swetachatra' 'dhavala shanka' 'doore pan' 'chandrapan' 'palki' and 'music' at the time of procession.

Sir Thomas Munro has decided in favour of this Math, 125 years ago when Srngeri raised objection to the Math using these honors.

To avoid all complications, I spoke to Mr G. Srinivasaiah, retd Distt Court Judge & legal Advisor of the Srngeri Math. He has promised his hearty help & me in the matter

I shall smoothen matters by speaking to Sri Jagadguru, who knows me, since his installation.

You will earn the gratitude of the Konkan & North Canara people, in fact the whole of Karnataka, if You will please invite the Math. The Swamiji wants me to meet him. He is also prepared to touch a Math in Bangalore, if a site is given to him.

Yrs truly
Venkatramaiah

To. Shrimat. Mutha. Sri Swamiji &

Serial No

GV 31/3 5 Subs for Jeevan. 56 The request of the matt for royal and special honours was rejected in G.O. No. 13367 dated 30th March 1936, which grants only the following ordinary honours :—

1. Palakkad
2. Nagari
3. Pattakaranad (?) Subs in personal & honours
4. Thala.

Subs 31.3.39.

31.3.39

WD 0514—GPB—30 000—2-9 38

2nd Member

31/4 8/4/39

Honours to Sri Kasi mutt. 1938

Mug File No. 1 of 1938. General and Revenue Secretariat

Petition of 6.4.39 from Mr. V.S. Sanjiva Rao 73
stating that the Swamiganaru Sri Kasi mutt Wor
so long as suitable honors are shown to the mutt.

Minute of the Member on the P.W.D:—

"What has he to do with it?"

10 At the end of para 2, the petnr says
that Mahadhipatis appeal to him for help
and advice - How far this can be relied upon
is a matter for consideration.

11) As stated in para 8 supra,
the receipt of representations from the
Gentlemen specified therein is awaited.

12) Submit for perusal

GJ 12/4 13.4.39. 13) As already ordered,
the formal recommendation
may be awaited

13/4

14) 13/4

Petition of 21.4.39 from Sri B. Krishna
Bhandary, Manager of Sri Kasi mutt
Samsthanam requesting that the Royal
and Special honors offered to therein may
be granted to the Mutt.

Minute of the Secretary to Council on the P.W.D:—

Mug. Secy. 15) This may be examined. The request of

GENERAL SECRETARY'S
R.S. No. 13 A-R. 1938
14/4 4081

Honour to Sir Kariamanickam.

and Revenue Secretariat | File No. J of 1938. | [App. F. III—2

Serial No.

the mill was turned down some time ago. Does the present application disclose any new facts?"

16) After knowing from the M.C. the contents of the para post given to this mill by the United East India Company & also about the Rs Lakhs from the Principal Collector of the Karnata Dt, the honours that have been given to Sir Ramachandrapuram mill as Nagar, a more famous mill than this are allowed in this case also after a detailed Examination of all aspects by the Co (Vide G.O. No. 1336-7/Mung Deb-36-4) dt 30-3-38.)

17) The agent himself says in para 3 of the P.U.D that the Swamiyaru intends to visit this State after a lapse of nearly 38 years.) - If this in itself is deemed a good enough proof of the interest the Swamiyaru is evincing about the Good Vacarval Brahmins residing in the Mysore State & the devotion of the latter to the mill, it is respectfully submitted that no further Consideration is called for in view of the fact that no fresh grounds have been urged in the P.U.D - Subject to the decision of the Minister in the Dist

+ M-(Final order).
× Q

NOTE—Contn Sheet.

WD 0544—GPB—30,000—2-9-38

142

Honours to Sir Kashi Nath

Mmz File No. 1 of 193 8

General and Reyenue Secretariat

18) As directed in para 8 supra, a representation from the gentlemen viz Messrs Narayan Rao and Balaji will be awaited —

19) — for general.

Gr 28/4 20) Attention is invited to the first member's original note (exhibit) para 28 of the notes in file No. Mmz. 246-36, Serials 1-4 on the grounds of honours to the Sri Kashi Nath.

21) No fresh points have been raised in the present petition to warrant a reconsideration of the orders already passed

28.4.39.

Sd/ 28/4/39

2nd member)

Sd/ 1/5

M & P

GENERAL SECRETARIAT

1 MAY 1939

OFFICE OF THE SECOND MEMBER OF COUNCIL.

1939

No. A 490.

Serial No.

23 On a representation from the Manager of this Mutt for grant of a Rahadari to the Swamigalu with certain insignia and Birudus, the then Muzrai Commissioner (the present Second Member of Council) examined the request and recommended that with the exceptional Birudus, viz., Surepana, Dhavala Shanka, Hagaludeevatige and Makarathorana, the use of other special Birudus and travelling paraphernalia may be permitted and that the Swamigalu might also be exempted from the operation of the Arms Act in respect of the arms mentioned in the petition. As the Mutt is situated in South Canara and is not endowed with inam lands or cash grant from the State and the records furnished by the Manager did not show that even in British India the Swamigalu enjoyed any special or royal honours, it was considered that no special and royal honours need be granted to this Mutt and accordingly orders were issued with His Highness approval for the grant of the following ordinary honours and the following of men and animals:-

Ordinary Palakki
Nagari
Pātakaru and
Thala.

24) Even the present petition does not disclose

WD 0544—GPB—30,000—2-9-38

records
any fresh points or grounds. There are no ~~xxxxxxx~~ also as regards the issue of any Rahadari to the Swamigalu at any time in the past. The Manager has referred to the order of 18th May 1867 of the Officiating Judicial Commissioner as recognising the Swamigalu's claim to the tour with the insignia. This order proceeds on the basis/ prima facie every one is at liberty to go about with any insignia he pleases subject to the limitation of not endangering the public peace. This view cannot be accepted. In Mysore the insignia have been classified into Royal, special and ordinary and it has all along been recognised that the display of Royal and special honours can be made only if sanctioned ~~only~~ by Government. Hence no significance can be attached to the Judicial pronouncements relied upon by the Mutt.

For reasons already explained, it does not seem possible to grant the Royal honours. At the most in addition to the insignia already allowed, Swetha-chatri, Ubhayasana and Thalagalu may be granted. The Swamigalu may also be exempted from tolls and from the operations of the Arms Act in respect of arms for which he has exemption in British India.

A 561
3.5.39.

2nd Morning.
3/5/39
(to) This is the work of Non Gazetted

Honours to Sri Hari Inwth.

and Revenue
eoretariat A564

My File No. 1 of 1938. [App. F. III—2

Serial No.

DEWAN'S OFFICE
6 MAY 1939
No. 818

Brahmins understand that a representation was made to the Dewan when he visited South Canara - The present application has been made in continuation of that representation

2) The suggestion at A may be accepted, I think

Dewan 2) Sd/- (His Highness the Maharaja)

Ms
7-5-39

2) PC
10.5

9/5-Ms

A870

3) Sd/- D. N. Arbab —
17/5

2nd Member) Draft unsuitable
Please see me

PC
12.5

12/5

NOTE—Contn. Sheet.

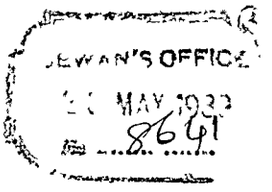
WD.0251—GPB—10,000—1-6-37

Additional insignia to Sir Kaki Metta.

May File No. 1 of 1938.

General Se

OFFICE
SECOND MEMBER OF COUNCIL,
13 MAY 1939
No. A961



Signed Final note placed below

23.5.39

Final Note by the Second Member of Council.

Subject.— Grant of a Rahadari to the Sri Swamigalu of Sri Kasi Mutt.

The Manager of Sri Kasi Mutt of Konkanasta Brahmins South Canara, having requested the Muzrai Commissioner (I was Muzrai Commissioner at the time) for a Rahadari to enable the Sri Swamigalu to tour within the State with certain Birudus and paraphernalia, the Muzrai Commissioner made a recommendation to Government that with the exception of the Royal insignia, the use of other special Birudus and travelling paraphernalia may be permitted. Orders were issued with His Highness' approval permitting the Swamigalu the following ordinary honours and following of men and animals:-

Ordinary pallakki.
Patakaru
Thala.
Nagare

2. During the recent visit of the Dewan to Udipi, a representation was made to him on behalf of the Mutt for a reconsideration of the orders, and two important desciples of the Mutt also interviewed me in this connection. In continuation of these representations, the Manager of the Mutt has presented a petition praying for a reconsideration of the orders and asking for the grant of the following honours namely:-

Makaratorana
Swetachatra
Dhavalasanka
Hagaldeevatige
Sooryabana & Chandrabana
Jaganta and Thala.

3. He has further stated that the Sri Swamigalu enjoys exemption from tolls and from the provisions of the Arms Act and the Rules thereunder in British India and has prayed that similar exemption may be given in the Mysore State also.

4. No authority has been produced to show that

that these honours were permitted to the Sri Swamigalu at any time in the past in the Mysore State. The Manager has merely referred to an order of 1867 of the Judicial Commissioner to show that these insignia and honours have been recognised in the past by the Courts in Mysore. As regards this contention, the Muzrai Commissioner has pointed out that these decisions of Courts are not binding upon Government and that the grant of honours has all along been a distinct prerogative of - Government.

5. The Sri Swamigalu is the Head of a community which is progressive and influential and is held in high - veneration by a large section of His Highness' subjects. The Muzrai Commissioner had recommended thereupon that with the exception of the Royal Birudus, the use of other special Birudus and travelling paraphernalia may be permitted and that the Sri Swamigalu may also be exempted from the operation of the Arms Act in respect of arms mentioned by the - Manager. I am of opinion that the request for the grant of Royal honours may be declined as such honours have not been granted to similar institutions and that in addition to the insignia already allowed, the Sri Swamigalu may be permitted the use of Swetachatri, Ubhayasana and Thalagalu and that he may also be exempted from tolls and from the operation of Arms Act in respect of arms for which he has exemption in British India. The Dewan also agrees with me.

6. I solicit His Highness' gracious approval to the above proposal.

K Ananthasubba Rao

Second Member of Council.

Camp Shimoga,
17th May 1939.

Submitted to His Highness.

I submit herewith a Final Note by the Second *Member of Council on the subject of* the grant of a Rahadari to the Sri Swamigalu of Sri Kasi Mutt,

for His Highness' gracious approval.

Mirza M. Ismail
Dewan.

Bangalore,)
23rd May 1939.)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Grant of a Rahadari to the Sri Swamigalu of Sri Kasi Mutt.

No. 796

Order.

~~KRW~~

24/5/39

MS

26.5.39

General and Revenue
Secretariat.

H H796

SUBJECT:—
Grant of a Rahadari to the Swamigalu of Sri Kasi Mutt.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

General .....Department.

9501
29/5

FIRST MEMBER OF COUNCIL. 30/5/

A1493
27.5.39

SECOND MEMBER OF COUNCIL.

29/5

General Secretary
with compliments

30/5/39

NOTE.—Contn. sheet

WD 0579—GPB - 375—20-12-38

30/5/39

Additional Honors to Sri Kasi Mutt

Genel Rand Revenue Secretariat | File No. / of 1938. | [App. F. kr

Serial No.

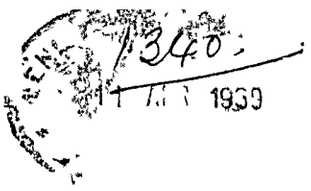
88 Issued G.O. No. 17-28 G. S. 6-39 Sanctioning certain additional insignia to the Swamigalu of Sri Kasi Mutt.

PING SECTION 7 JUNE 1939 REN. & REV. SECTT.

89 No 2149 G. 13/6/39 to the Manager Sri Kasi Mutt, No. 85 Banagunga Walkeshwar Bombay forwarding a Copy of the order in G.O. 88 for his informa

B

WD 9?14—GPB—30,000—2-9-43



To

member of Council
in charge
Darbhanga

Sir

I have an humble member of Sri Bharata Dharma Maha Mandal of Benares of which Maharaja-dhiraj of Darbhanga is the President, I was a member of the deputation that met H.E. Lord Reading in Simla, a few years back and the deputation was led by the late Maharaja Sir Rameswara Singh of Darbhanga. And I came in close contact with a large number of ratis in India.

(1) The late Maharaja Sir Rameswara Singh appreciated my services to the Hindu Math Cause and gave me the distinction of Vidyavachaspati

matters therefore
abroad true position and

advise

I therefore venture to draw
your kind
attention and crave
your earliest for the
following request of Sri
Kashi Math which
traces its origin from Sri
Madhvacharya himself.

a) The present Swamiji
Sri Sukratindra Swamiji
is 15th in the order of succession
from Sri Madhvacharya
whose direct disciple is
Sri Padmanabha tirtharu
He ordained Sri Raghu
varya tirtharu as his disciple
and the latter was a Gowda
Saraswath Brahman and
Head of the Kashi Math.

b) The present Swamiji
the Head of the Kashi Math
on 19-2-39 in Udipi

in Sri Krishna Math and invited His Holiness to Mysore, for the festivities of his Coronation which the Maharaja commences on 29-5-39.

6) The Swamiji wants the following insignias namely, "Kagal divati" "Makara Thorana", "Swetha Chatra", "Dhavala shanka" "Suvarnam", "Chandra Jam" and Palaki and mane. These are common enough

7) The Swamiji is in Goa and is surprised to go over to Mysore on 29-5-39, if suitable honors are shown to his mutt.

8) The matter may kindly be taken up and early orders passed.

Bangalore
6-4-39

I beg to remain
Sir
Your obedient servant
Krishnaswamy
Dewan

CEN 27 APR. 1939 1422

To

The Government of His Highness the Maharaja of Mysore,
BANGALORE.

Humble petition of B. Krishna Bhandary, Manager of Sri Kashi Mutt Samasthan, now presided over by His Holiness Srimad Sukruthendra Tirtha Swami, residing in No.85, Banaganga, Walkeshwar, Bombay, dated 21st April 1939.

Respectfully showeth:-

1. That the Sri Kashi Mutt is a religious institution of the Gowd Saraswat Brahmin Community presided over by a Swamier of the Madhwa sect with its headquarters at Benares and counting among His disciples several lakhs of people from the Himalayas to Cape Comorin.

2. That His Holiness owns Mutts of His own in various places of pilgrimage in India such as Benares, Prayag, Nasik, Bombay, Rameswaram, Bantval, Karkal, Cochin, Alleppey, Bhatkal, Manjeshwar, Basrur, Hemmad and Panambur, besides vast landed properties in S.Kanara, N.Kanara, Cochin and Travancore.

3. That the Mutt in Benares was endowed and presented to one of His Holiness's predecessors in office in the 15th Century A.D. by the then Nawab of the Province who constructed it at great expense, right on the banks of the Ganges in recognition of His spiritual power in bringing up a lost gold bracelet set with emeralds from the bosom of the river.

4. That the Mutt in Rameswaram was endowed by one of His Holiness's predecessors in office by the then Raja of Ramnad, a Trustee of Sri Rameshwaram Devasthanam, in the beginning of the 17th Century A.D. and was also presented with a site for building a Vedanderamaswami Temple [illegible]

the precincts of the Rameshwaram Devasthanam itself. His Holiness recently renovated this Temple and Mutt.

5. That the Mutts in Cochin and Alleppey were endowed by the then Maharajas of Cochin and Travancore respectively to one of His Holiness's predecessors in office.

6. That the Mutt in Bhatkal in North Kanara was built and endowed by a Bhatkali Navayath(a muhammadan merchant) to one of the predecessors in office of His Holiness in recognition of His miraculous mantric cure of a case of a venomous snake bite about 80 years ago.

7. That His Holiness derives an income of about Rs.40000/- a year from all sources, and besides the fourteen costly mutt buildings and other landed properties, possesses gold and silver articles, jewellery and valuables to the extent of about four lakhs of rupees.

8. That His Holiness has many disciples in the Mysore State, particularly in the Districts of Shimoga and Kadur, and in the cities of Mysore and Bangalore.

9. That His Holiness is constantly touring in the provinces of British India and the several Indian States and carries with Him the following insignia of Honour under Government recognition and protection.-

(1). Pallakki(Palanquin).
(2). Divati(torches) in daylight.
(3). Makara Thorana(banner).
(4). White Umbrella.
(5). Dhavala Shankha(white conch).
(6). Sooryapan and Chandrapan.
(7). Jagante, thala &c.

10. That His Holiness also possesses

(1). A revolver.

(2). A pistol.

(3). Two muzzle loading guns with reasonable ammunition

(4). A sword and

(5). a motor car,

and enjoys exemption from tolls and from the provisions of the Arms Act and rules under the rahadaris granted by the several Governments when touring in their respective jurisdictions.

11. That these insignia and Honours have been recognized in the past by the Courts of the Government of Mysore in the years 1867 and 1901 when His Holiness's predecessors in offic toured the Mysore State.(Please see copies of the appeal judgment in Cr. mis.Appeal No.1/197 of 1867 dated 18.5.1867 on the file of the Judicial Commissioner in Mysore and of the order in Cr.Mis.Case No.15/1900-1901 dated 12.4.1901 on the file of the Assistant Commissioner and I Class Magistrate, Kadur District, enclosed).

12. That this ancient Mutt occupies a high position and status and commands much prestige throughout the length and breadth of India, which have been recognized by means of Copper plate Shasanas by H.H. the Sankaracharya of Kumbakonam Mutt and by H.H. the Swamier of Uttaradi Mutt, as well as by the ruling Chief Keladi Somashekhar Naik and Sir Thomas Munro.(Please see copies of the Shasanas and orders enclosed).

13. That His Holiness intends paying a visit to His numerous loyal and peaceful disciples in Mysore State at their desire this year(after a lapse of nearly 38 years)

and is not in a position to do so unless the Honours and insignia enjoyed by His predecessors and to which He is entitled under the orders of Courts dated 18.5.1867 and 12.4.1901 are allowed to Him also and unless He is permitted to carry with Him the articles and things specified in paras 9 & 10 above, a rahadari for which is now respectfully requested.

14. The Petitioner therefore prays that after a kind consideration of the above facts, and a perusal of the records the Government may be graciously pleased to grart the above requests of his and issue orders accordingly.

For which act of justice the petitioner will feel grateful,

I beg to remain,
Sir,
Your most obedient servant,
B. Rushiva Bhanoery
Manager, Kashi mutt.

IN THE COURT OF THE JUDICIAL COMMISSIONER OF

M Y S O R E.

Bangalore 18th May 1 8 6 7.

Before J.R.Kindersley, Offg. Judl. Commissioner.

Read Criminal miscellaneous Appeal No.1/197 of 1867, preferred by Casheemutt Bhoonendera Theerthaswary against order No.41 of 1866 on the Criminal file of the Deputy Superintendent's Court of the Shimoga District.

J U D G M E N T.

This is an appeal against an order made on the 17th June 1866, on the petition of certain brahmins, who objected to the appellant, a swami or Cooroo, going about with certain insignia, viz. addapalkee, a white umbrella, a banner called muckra, torla, and a torch in the day time, and a conch.

2. The prohibition is grounded on a letter No.2572, which seems to be the same as 2579 from the Secretary to the Commissioner of the 20th September 1865, in which another swami was censured for having gone about at Shikarpoor in an addapalkee, which appears to have led to a riot and affray.

3. It appears to me objectionable, that any person should go through a public street, which all persons have an equal right to use, in a palkee carried across the street, instead of lengthways, in the direction of the street, and I cannot recognise the right of any person to do this.

4. As for the other insignia, I adhere to the decision passed in another case on the 5th February, and published at page 10 of the Mysore Gazette of the 6th April 1867. Prima Facie every one is at liberty to go about with any insignia he pleases, provided he does not endanger the public peace, or trespass on the rights of his neighbours, and provided he does not use such insignia with the deliberate intention of wounding the religious feelings of others. It does not appear from the Deputy Superintendent's order, that there was any immediate danger to the public tranquility, from the use of the insignia claimed by the swami, nor that there was any good reason for the order, except that the Commissioner had blamed another swamy for causing a riot in such a manner at another time and at another place.

5. The order of the Deputy Superintendent must therefore, be annulled, except as regards the use of addapalkee, but the Deputy Superintendent will still be at liberty, for good reasons to be stated in his order, to prohibit the use of the other insignia by the swami, if they should tend to a breach of the peace.

6. I do not now decide anything about the religious question between the swami and his adversaries. think that the Courts should, as for as may be consistent with the public tranquility, permit every person to use whatever observances he pleases.

Sd. J.R.Kindersley,
Offg. Judl. Commissioner.

"True Copy"

Sd. T.Shamiengar.
Registrar.

SEAL OF THE HIGH COURT OF MYSORE.

B. Krishna Bhandary
manager, Kashi Mutt

IN THE COURT OF THE ASSISTANT COMMISSIONER, SOUTHERN DIVISION & I CLASS MAGISTRATE, KADUR DISTRICT.

Dated Chickamagalur, this 12th day of April 1901.

Present:- B. Ramaswamayya, Esq.,
Magistrate.

Criminal Mis.Case No.15 of 1900/01.

Petitioner	Counter-Petitioner
Venkatesa Prabhu on behalf of the Konkani mutt	1. Manjappiah & 2. Suri Bhatta.

ORDER.

The petitioner on the 2nd January 1901 complained to the Deputy Commissioner and District Magistrate of Kadur that the Brahmins of Kalsa headed by the Counter-petitioners were likely to obstruct his guru coming in procession in the public streets of Kalasa with the insignia noted below:-

1. Palarquin(not addapalaki carried crosswise)
1. Pair of torches in daylight
1. Makarathorna, a banner
1. White Umbrella
1. Dhavala Sanka/conch

2. This petitioner was referred by the District Magistrate to this Court for disposal. The Counter-petitioners in their statements given before this Court on the 5th March 1901 stated that the insignia were exclusively the right enjoyed by the Sringeri mutt and consequently the petitioners' Guru was not entitled to the same and that therefore they objected to the procession of the swami in their town.

3. The petitioner was represented by Mr. Mahamed Ali, Pleader, who in his behalf filed the following documents.

1. Copy of Calicut President's certificate of 7th September 1799 permitting the Guru's going in procession.

2. Copy of Captain Manrole's Rahadari dated 20th June 1209(Phasali) to the Effect.

3. Copy of Rahadari by the Collector & Magistrate of Kanara of 2.1.1819.

4. -Do- -Do- by Principal Collector on 6.9.1830 (1830

5. -Do- -Do- by Asst.Collector on 25.9.1857.

6. -Do- -Do- by Joint Magistrate on 29.8.1859.

7. Copy of judgment in Crl.mis.appl. No.1/197 of 1867 on the file of the Judicial Commissioner in Mysore.

8. Copy of petition to & endorsement by the Chief Commissioner in Mysore dated 7.4.1868.

9. Copy of Rahadari by Joint Magistrate of Malabar dated 20.10.1830.

10. Copy of Copper-plate Sasanam by Kumbakonam mutt to Kasi mutt Swami.

11. Copy of Sanad by Somosekhar Naik to Kasi mutt Swami.

12. Copy of Copper-plate Sasana by Uttaraji mutt to Kasi mutt swami.

13. Copy of Rayasa by -Do- -Do- -Do-.

14. Copy of Rahadari by Benares District to Surendra Thirtha Swamy.

4. The Counter-petitioners filed an endorsement received by the 2nd petitioner from the agent of the Sringeri mutt dated 22.12.1900.

5. The points requiring decision are as follows:-

I. Whether the Swami of the petitioner is entitled to the insignia claimed for him and has the right of going in procession with the same in public roads.

II. If he has such rights, whether the present case is one where he may claim the protection of the authorities for their excercise.

III. Whether the contention of the Counter-petitioners that the petitioner have no right to the insignia specified, being the exclusive privilege of their Guru, is valid.

With regard to the 1st point apart from the general principle of law that every one has a perfect right to use a public road for all lawful purposes in a lawful manner. Petitioners have produced a number of documents which go to show that their swami is the head of an institution which is of some ancient standing and the swamis of which institution have travelled all over the Country in bye-gone days, and a number of other documents which prove the rights of the swam of petitioners by various Civil authorities in different parts of the Country at different periods but simply contain directions to the local authorities of the places they travelled through to attend to the conveniences of the swami their attendants etc. From these it is observed that the followers &c. of the swamis consisted sometimes of so many as 40 Brahmin followers and nearly as many non-Brahmins, horses, camels, oxen, palanquin &c. &c. This I think is sufficient to establish that the mutt of petitioners is not a new fangled one but one of some ancient standing, some of the Rahadaris relating to the years so far back as 1799 A.D.

Next, the other exhibits filed by petitioners viz. 2,6, 7,10,11 and 12 expressly denominate the insignia, the use of which had been authorised in various places and these now claimed by petitioners are all found in them. In particular Ex.7 which is a copy of judgment in a miss.crl. appeal by the Judicial Commissioner in Mysore in the year 1867 seems to be quite in point. In that case the Dy.Supdt. of Shimoga had passed orders prohibiting the then Swami of the mutt now in question from going in procession with certain insignia. In deciding the appeal the Hon'ble J.R.Kindersley, Judicial Commissioner, while observing that procession in an addapalki could not be allowed added "As for the other insignia xxxxxxx Prima Facie every one is at liberty to go about with any insignia he pleases, provided he does not endanger the public 2

peace or tresspass on the rights of his neighbours, and provided he does not use such insignia with the deliberate intention of wounding the religious feelings of others.xxxx The order of the Deputy Superintendent must therefore be annulled except as regards the use of adda-palaki.xxxxxxxxx

I think that Courts should as far as may be consistent with the public tranquility, permit every person to use whatever observances he pleases". The insignia therein referred to were "addapalaki, a white umbrella, a banner called makarathorna, a torch in the day time and a conch.

T find further that the insignia claimed by the Swami and specified in the preamble above are commonly made use of by a number of other mutts or religious institutions some of which are decidedly of less significance than the one in question. This I bring out to lend greater probability to the possession by the swami for the rights claimed for him now.

In addition, it is stated by petitioners that their Swami after going in the public road attends the temples belonging to his followers and goes for the needful religious observances in the houses of his adherents. It is expressly stated that he does not go to temples other than these nor has he any idea of visiting any other places. There are a number of his disciples in Kalasa and for their sake he goes there. It is therefore clear he has no intention of tress-passing on the rights of others or of wounding their religious feelings.

For these reasons therefore I hold that the 1st point raised above has to be answered as follows:-

The Swami has the right to the insignias claimed by him He is also entitled to go in procession with the same in public roads.

II. The 1st point having been answered in the affirmation it now becomes necessary to consider whether the Government ought to lend its help to petitioner for the exercise of their rights. The principles of action in this matter are clearly laid down as follows in Government Pro:- No.109 D.H.O. dated 27.2.93 which says "Clause(a) where an individual's or a class' right to do a thing is proved it is always the duty of the police and the magistracy to permit the due exercise of that right and where necessary to protect and safeguard every person engaged in exercising it--" Clause(b) & (c) specify the special circumstances under which the exercise of such rights may be temporarily suspended viz:- where owing to extraordinary circumstances such protection and safeguarding are impossible.

In the present case I have no reason whatever to think that there are any circumstances necessitating any such prohibition. From the utter indifference of Counter-petitioners in seeing the progress of their case in Court and their failure to urge their contentions with any show of enthusiasm whatever, I am inclined to think the opposition to petitioners to be very weak. Every facility was given to them to appear before Court and substantiate their side of the question but beyond making one appearance and just making a show of opposition they have failed to do anything else. They promised to produce one document on their behalf but failed to do so. Even in the absence of such a document they were given notice that final orders would be passed but they did not seem to care for that either. They never replied or presented themselves in person. From this I am inclined to think that there will not be any serious opposition when the swami of petitioners enters Kalasa. But to be guarded against risks of all sorts all necessary police

precautions should be taken to prevent a breach of the peace and to protect petitioners.

I therefore answer the 2nd question also in the affirmative by stating that the present case is one in which the magistracy and the police should take steps to permit the exercise of rights belonging to the swami of the petitioners.

III. The 1st & 2nd points being decided in the affirmative the remaining question easily disposes of itself. The counter-petitioners have not advanced any proofs to show that the insignia in question belong of right only to their mutt to the exclusion of all others. The only exhibit filed by them viz. an endorsement granted to them by the Agent of the Sringeri Mutt is vague and does not itself purport to be an authority. The Counter-petitioners and the exhibit filed by them place their reliance on Governmer Pro: No.3977/187 of 29th August /88 which related to the use of certain insignia by Sivaganga Mutt; that proceeding directed the Deputy Commissioner of Mysore to prohibit the use by the Sivaganga mutt of certain insignia to which it was not entitled. I have no reason to think from the general abstract of it which was published in the Governmen Pro: Volume that it laid down any general rule by stating that other mutt was not entitled to such and such insignia. For these reasons I consider the objections of the Counter-petitioners to be invalid and unsupportable.

I am therefore of opinion that petitioners ought to be protected in the exercise of their civil and religious rights which have not been proved to be repugnant either to law or mamul.

The petitioners are referred to the Taluq Amildar for

the necessary licenses. The Amildar will, previously to granting such license ascertain the time when and the routes in which the Swami is intended to go in procession.

Sec: 27 of the police rules. He will at the same time make the required police arrangements in consultation, if necessary with the superior police officers, so as to avoid any possible disturbances to the public peace which may perchance arise by the Swami going in procession in persuance of this order of the Court.

Sd. B. Ramaswamayya.
I Class Magistrate.
12.4.'01.

True Copy.
B Krishna Brahmam
manager, Kashi mutt

(True Copy)

B Krishna Bhandary

[illegible]

(True Copy)

B Krishna Bhandary
(Manager)

(True Copy)

B. Krishna Bhat

Advocate

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Diary No. of letter replied to.....

Section Mem 3

File No. 1-38

Serial No.

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 5/6/39 1939.

Signed by Mr. S.K.V. Ayyar

Dewan Palaka Vidyaranya Palakaru & Thala.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part ?

Read—

Con's reminder no 1336-7/Mem 3 dt 30.3.38

Sanctioning the grant of the Maisūr Abharana insignia to Sri Kasi Mutt.

2) Pet^n received on 27.4.39 from the Manager, Sri Kasi Mutt for grant of certain additional Shastra and Royal honors to Sri Kasi Mutt.

Order thereon.—No.

Camp endn no 17-28/Mem 3 dt 5/6/39

Govt are pleased to direct that, in addition to the insignia already allowed, to the Simhasana

Con's reminder when ? the new order.

the use of Swetachalis, &

and Thalagalu and that

he may also be exempted from

Tolls. ~~and from the operation~~ and have already been

~~of Arms Act in respect of arms~~ granted in G.O. No. 5852

~~for which he has exemption~~ dated 15-3-1911 G.O. 22-Cc-38

~~in Bri India.~~ in regard to the exemption

of the Commissioner

from the operation

of the Arms Act

in respect of

certain arms

ammunition

For Genl See

To

The H. C.

" R. C.

The D-S- of Police

~~Copy to Prot Bor~~

D is 2 Nos

Bench Warrant Nos

Copy to D.S. of Bor

List of Enclosures

Copied by

Examined by

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, ~~12th June~~ 13th June 1939

No. 2149/Mug 1-38-89.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

Mr.B.Krishna Bhandary,
Manager, Sri Kasi Mutt,
No.85, Banaganga, Walkeshwar,
~~Sir,~~ BOMBAY.

Dear Sir,

With reference to your petition dated 21st April 1939 praying for the grant of additional insignia for the Swamigalu of Sri Kasi Mutt, I am directed to forward herewith for your information copy of order No.Camp Government Order No.17-28/Muz.1-38 dated 5th June 1939 passed in the matter.

Yours faithfully,

For General Secretary to Govt.

No 2149/Mug 1-

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(~~Continuation sheet~~ *draft form.*)

To

Mr. B. Krishna Bhandary,
Manager. Sri Kasi
No 88 Banaganga
Walkeshwar
Bombay.

Dear Sir,

Your ref^{ce} letter dated 21-4-39 praying for the grant of additional insignia for the of Sri Kasi Mutt, I am directed to forward herewith ~~for your information~~ a copy of Camp G.O. No 17-28/Mug 1-38 dated 5/6/39 passed in the matter.

Yours faithfully
for S/D
Forgemaster

G 13. 6. 39
Mr. S. K. V. Iyer.

G 6/6/39